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United Arab Emirates

Dairy and Products

UAE Announces New Melamine Certification Requirements

2008

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Report Highlights:

The Government of the UAE has established new import requirements for the importation of dairy products to address concerns about the possible presence of melamine. The decree, which is effective as of November 10, 2008, requires any food products with more than 15 percent dairy content to be accompanied by a certificate stating that the presence of melamine in the product does not exceed 2.5 ppm unless the exporting country has banned imports of Chinese dairy products. ATO Dubai believes that requirements of the decree will create challenges for U.S. exporters of dairy products to the UAE. Exporters should proceed with caution. ATO Dubai does not have guidance concerning how shipments currently underway to the UAE will be treated on arrival.

Includes PSD Changes: No
Includes Trade Matrix: No
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[TC]

Disclaimer: This summary is based on a *cursory* review of the subject announcement and therefore should not, under any circumstances, be viewed as a definitive reading of the regulation in question, or of its implications for U.S. agricultural export trade interests. In the event of a discrepancy or discrepancies between this summary and the complete regulation or announcement as published in Arabic, the latter shall prevail.

ATO Dubai Summary: The Government of the UAE has established new import requirements for the importation of dairy products to address concerns about the possible presence of melamine. The decree, which is effective as of November 10, 2008, requires any food products with more than 15 percent dairy content to be accompanied by a certificate stating that the presence of melamine in the product does not exceed 2.5 ppm unless the exporting country has banned imports of Chinese dairy products.

ATO Dubai Analysis: On October 26, 2008, the UAE General Secretariat of Municipalities issued a decree requiring all food products containing dairy ingredients to be accompanied by a melamine-free certificate. In response to input from ATO Dubai and several local companies, officials agreed to revisit the initial decree in an effort to bring it into closer compliance with international standards and practices. A revised decree was issued on November 10, 2008 and is effective as of that date. ATO Dubai believes that the requirements of the new decree will likely pose a significant challenge to U.S. exporters of dairy products and U.S. regulators. A summary of the key points follows. The full text of the decree is included in this report.

1. All imports of dairy products from China and Chinese products containing dairy ingredients are banned.
2. All imports of milk, milk by-products and foods containing dairy products from third countries, in which dairy products from China are an ingredient, are banned.
3. Imports of foods containing more than 15 percent dairy content are banned unless accompanied by a certificate stating that the melamine content does not exceed 2.5 ppm.
4. Countries that have banned imports of Chinese dairy products are exempt from the certification requirement in the preceding point.

This new requirement has not been notified to the WTO and will only apply to imports of dairy products in the UAE. The contents of this specific decree should not be viewed as a policy applying to all Gulf Cooperation Council (GCC) members. At this stage, ATO Dubai has not received guidance as to how shipments currently underway to the UAE will be treated upon arrival.

Comment: ATO Dubai will follow up with local officials to further clarify the intent of the new decree. In the interim, exporters of dairy products and food containing dairy ingredients should work closely with their importers and regulatory officials in the United States before exporting to the UAE.

Important Dates:

1. **Proposed Implementation Date:**
2. **Validity Period:** Indefinite from the date adoption
3. **Comments:** Exporters should proceed with caution until the details of how this decree will be implemented are confirmed.

For More Information:

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Begin Unofficial Text of Decree Translation

United Arab Emirates

General Secretariat of Municipalities

Public Health and Environment Affairs

Number: GSM/76

Date: 10 November, 2008

Subject: Decree Number (GSM/76) dated 10 November 2008 regarding milk and its by-products and the foods in which Chinese milk contaminated with Melamine is an ingredient

Secretary General

- Having reviewed the Higher Federation Council's Decree number (3) for 2006 regarding the General Secretariat of Municipalities;
- the Executive Statutes for the National Food Safety Committee;
- and the bulletins and international reports on milk and its by-products and the foods in which Chinese milk contaminated with Melamine is an ingredient;
- and based on the recommendations of the National Food Safety Committee in its urgent meeting dated 4 November 2008;
- and based on the decree of the General Secretariat of Municipalities number (37/53/2000) dated 19 April 2000;
- and subsequent to deliberations with His Excellency the President of the General Secretariat of Municipalities for cycle number (75).

The following has been decreed:

Clause (1): Banning the entry or trade in milk and its by-products and the foods in which milk from China is an ingredient. These products are to be withdrawn from the markets and the necessary actions should be taken according to the regular procedures followed in such cases.

Clause (2): Banning the entry or trade in milk and its by-products and the foods in which milk originating from China is an ingredient and which have been manufactured in countries other than China if the content ratio is more than 15% unless a certificate that proves that they do not contain Melamine by more than 2.5 ppm accompanies them.

Clause (3): Countries that ban the import of milk originating from China in its various forms and which ban use of that milk in the manufacturing processes are

exempted. Further, international companies with factories in countries outside its native borderlands are exempted on condition that they commit themselves or prove to the specialized control agencies in the United Arab Emirates that their products are free of milk originating from China.

Clause (4): Intensifying the control over milk products, foods and confectionary items in which milk is an ingredient in the local markets.

Clause (5): The National Committee for Food Safety should follow up on this issue and report the developments to the General Secretariat.

Clause (6): Food laboratories in the country should develop their capacity to test Melamine.

Clause (7): The decrees that have issued previously (decree number GSM/75 dated 26 November 2008 and decree number GSM/79 dated 25 September 2008) are cancelled.

Clause (8): The decree should be made known to the Municipalities and other specialized agencies to take the necessary actions.

Clause (9): This decree is effective since the date it has been issued.